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DECLARATION CONCERNING PROFESSIONAL ETHICS RECENTLY ADOPTED BY THE STATE BAR ASSOCIATION OF CONNECTICUT.

On February 7th, 1910, the State Bar Association of Connecticut, at its annual meeting, unanimously adopted the report of its special committee on the adoption of a Code of Professional Ethics. This action is in step with a general movement in the several States throughout the country, and with the action of the American Bar Association at Seattle in 1908.

Codes of this nature, setting forth in express terms those ethical principles which should guide those who practice law, are not a novelty. Indeed, such formal statements are adopted in many professions, and are, in the main, declaratory of such principles of dealings between practitioners, and with the outside world, as are instinctive to men of the greatest experience, the soundest wisdom, and the highest moral sense. If all men were endowed with these qualities at the beginning of their professional lives, such codes would be of little value, save to indicate to the outside world what standards prevail within the profession, and thereby enhance the confidence in and respect for those who conform to these requirements, and are in good standing in their respective professions.

Unfortunately, however, this is not the case, and many young men come to the Bar lacking the benefits of sound home, social and religious training. Sometimes—though rarely—in such men we find a strong innate sense of right, and of consideration for others, with whom all that may be found in a code of ethics would be intuitive.

The great majority of men—even those who have enjoyed the benefits of the highest training—need, from time to time, to be reminded of the rules, and to measure their purposes and their conduct by them. We might even go further and say that the best and wisest of men are helped by perusing a code in which their highest professional ideals are imbedded.

Many a young man goes astray in professional life, and makes professional mistakes, even though he avoids the grosser temptations. Ignorance is no excuse where such codes as this, if consulted, will furnish a principle for nearly every conceivable case.

The American Bar Association has been at work on this subject for years, and its work has been most thorough, intelligent and painstaking. Its committees were made up of some of the most eminent men of the country, and they studied their subject for years. Tentative codes were drafted, from time to time, and submitted to a large number of judges and lawyers, and their opinions were finally published in a large volume for final use in drafting the code. This code has, since its adoption, been, in many different ways, presented to the public and the profession, and is readily accessible. It was at first thought that this code might well be adopted in every State of the Union without alteration, and that in this way another long step in the direction of uniformity in the law might be taken. To the Connecticut committee, however, of which Judge Hamersley, lately of the Supreme Court, was the head, it seemed that in some minor respects the code was not in strict conformity with our professional ideas. It seemed, also, that questions of mere professional courtesy and etiquette might well be separated from the more serious questions involving moral obliquity; and it further seemed that a slight change in arrangement might be of advantage.

The Connecticut code, however, in no essential respect differs—save by some omissions—from that of the American Bar Association. Indeed, the Committee says: "We have included in the draft substantially all the Canons of the American Bar Associa-

tion, using for the most part the same language; and have grouped under separate headings the more distinctly ethical rules, the rules of professional etiquette, and those affecting the lawyer in his relation to the public." The code reported by the Committee consists of a preamble, and a "Declaration Concerning Professional Ethics," which are set forth in twelve pages. A copy of the report has been sent to each member of the Connecticut Bar, whether or not a member of the Association, and copies may be had through the Secretary of the Yale Law School.

The interesting and instructive article in the last number of this JOURNAL by Dean James B. Brooks, of the College of Law, Syracuse University, is well timed, and especially in view of the suggestion of the committee that the rules of Court or the regulations of the State Bar Examining Committee be modified "for the purpose of securing an adequate understanding by those admitted to the Bar of the principles and recognized rules of professional ethics." How this understanding shall be evidenced has not yet been determined.¹

That the students at this school have enjoyed lectures on legal ethics, from a most eminent authority on the subject, is a matter for congratulation, but it is plain that to the men who most need this instruction something more than a lecture course is requisite, and that the rules should be before them, in tangible form, to be read and mastered. Whether or not such action be taken by the School, or the Examining Committee, no man can afford to enter, or to remain a member of, the Bar of any State, without familiarizing himself with those rules, regulations and requirements which the highest ideals of the profession demand. That these standards are lofty is true; that they cannot be attained at all times by any man throughout his professional career may be true; but it is none the less true that none but the highest conceivable standards should satisfy our profession, and that every man should strive toward them with what strength he has.

G. D. W.

¹ Since this note was written, the State Bar Examining Committee of Connecticut, at a special session, has taken action in this matter, and will require—beginning at the June examination, 1911—an examination on the Connecticut "Declaration Concerning Professional Ethics" referred to above; the Connecticut Attorney's Oath; and Sharswood's "Legal Ethics."